

Appl. No. 09/713,849  
Amd. Dated January 4, 2005  
Reply to Office Action of October 5, 2004

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**REMARKS/ARGUMENTS**

Reconsideration of the rejections set forth in the Office Action dated October 5, 2004 is respectfully requested. Claims 1-27 are currently pending and have been rejected.

Claims 1, 10, 11, 16, and 25-27 have been amended to more clearly recite that a priority level is associated with a delay tolerance of data or packets. Support for these amendments may be found in the Specification, as for example from page 9 at line 19 to page 10 at line 4.

**Rejections under 35 U.S.C. § 102**

Claims 1-27 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Lafe et al. (U.S. Patent No. 6,449,658).

Claim 1 recites a method for forwarding data across a network that includes assigning a priority level to the data, and selecting the data for data compression responsive to the priority level. As amended, claim 1 further recites that the priority level is associated with a delay tolerance of the data.

The Examiner has argued that Lafe et al. teaches the method of claim 1. It is respectfully submitted that contrary to the Examiner's assertions in the Office Action dated October 5, 2004, Lafe et al. does not teach of assigning a priority level to data or of selecting data for data compression responsive to the priority level. Instead, Lafe et al. determines whether to use lossless or lossy compression (Lafe et al., column 2 at lines 8-19). Such a determination is not based on a priority level or, more specifically, a priority level associated with a delay tolerance of data. Even a quality level (Q) as taught by Lafe et al. is arranged to signify either lossless or lossy compression (Lafe et al., column 7 at lines 25-33), and is not associated with any priority level, let alone a priority level that is associated with a delay tolerance of data. Since Lafe et al.

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does not appear to teach of a priority level that is associated with a delay tolerance of data, claim 1 is believed to be allowable over Lafe et al. for at least this reason.

It is noted that Lafe et al. teaches that audio and video data is compressed using a lossy process (Lafe et al., column 2 at lines 15-19), and the Examiner has stated on page 3 of the Office Action dated October 5, 2004 that lossy compression is a lower priority compression method. Hence, the Examiner clearly believes that Lafe et al. teaches that audio and video data have a low priority level. As taught in the Specification, as for example on page 2 at lines 9-13, voice and video communication does not tolerate delay. Hence, when a priority level is associated with the delay tolerance of data, voice and video data have the highest priority level since effectively no delay is tolerated (Specification, page 8 at lines 19-21). The assignment of a highest priority level to audio (voice) and video data is vastly different from the "assignment" of a lower or lowest priority level to audio and video data, as taught by Lafe et al. As such, the Applicant submits that Lafe et al. actually teaches away from the invention.

Claims 2-9 each depend either directly or indirectly from claim 1 and are, therefore, each believed to be allowable over Lafe et al. for at least the reasons set forth above with respect to claim 1. Each of these dependent claims recites additional limitations which, when considered in light of claim 1, are believed to further distinguish the claimed invention over the art of record.

As each of independent claims 10, 11, 16, and 25-27 recite a priority level that is associated with a delay tolerance of data or packets, each of claims 10, 11, 16, and 25-27 is believed to be allowable over Lafe et al. because Lafe et al. does not appear to teach of a priority level that is associated with a delay tolerance of data or packets. Each of these independent claims, in addition to any dependent claims which depend from the independent claims, include additional limitations which are believed to further distinguish the claimed invention over the art of record.

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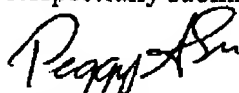
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Conclusion

For at least the foregoing reasons, the Applicant believes all the pending claims are in condition for allowance and should be passed to issue. If the Examiner feels that a telephone conference would in any way expedite the prosecution of the application, please do not hesitate to call the undersigned at (408) 446-8696.

Respectfully submitted,



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